

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-3 are currently pending. Claims 1 and 3, which are independent, are hereby amended. No new matter has been introduced. Support for this amendment is provided throughout the Specification as originally filed, specifically on pages 21-22 (paragraphs [0054]-[0055]). Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

II. REJECTIONS UNDER 35 U.S.C. §103

Claims 1 and 3 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent Number 6,339,676 B1 to Amada et al. (hereinafter, merely “Amada”) in view of U.S. Patent Number 6,075,920 to Kawamura et al. (hereinafter, merely “Kawamura”).

Claims 2 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Amada in view of Kawamura, and further in view of U.S. Patent Number 6,788,881 B1 to Kuroiwa et al. (hereinafter, merely “Kuroiwa”).

III. RESPONSE TO REJECTIONS

Claim 1 recites, *inter alia*:

“...recording means for **periodically and continuously** recording said first video data, said first audio data, said low-rate data, and time-sequential meta data and non-time-sequential meta data corresponding to the first video data and first audio data **in sequence** onto the disc-shaped recording medium...” (Emphasis added)

Applicant submits that neither Amada nor Kawamura, taken alone or in combination, teaches or suggests the above identified features of claim 1. Specifically, neither of the references used as a basis for rejection describe **periodically and continuously** recording said first video data, said first audio data, said low-rate data ... **in sequence** onto the disc-shaped recording medium, as recited in claim 1.

In the Advisory Action of July 11, 2008, the Office Action contends that in Amada the HD signals and SD signals are recorded on the same recording medium, so that Amada teaches the limitation “mixedly recording said first video data, said first audio data and said low-rate data”. However, Applicant submits that in the present invention, as shown in the example in FIG. 5A, the audio annual ring data, the video annual ring data, the auxiliary AV annual ring data, and the time-sequential meta annual ring data formed on the basis of the reproducing time zones from the data series of the audio data, the video audio data, the auxiliary AV data, and the time-sequential meta data are written into the empty areas on the optical disc as if they were drawn with a single stroke onto the empty areas on the optical disc; and as shown in FIG. 5B, in the case of reading out a certain specific data series, such as the auxiliary AV annual ring data #1, from the optical disc, the operation to seek a pickup to a recording position of the read-out data series and read out the data is repeated, i.e., the time-sequential meta annual ring

data #1, audio annual ring data #3 and video annual ring data #3, and audio annual ring data #4 (not shown) and video annual ring data #4 (not shown) which were subsequently recorded are jumped by seeking, and auxiliary AV annual ring data #2 of the next period is read out (See, Specification, page 21-22, paragraphs [0054]-[0055]). Thus, Amada's **recording HD signals and SD signals on the same recording medium** has nothing to do with, and bears no resemblance to, Applicant's **periodically and continuously recording video data, audio data, and low-rate data in sequence**. Nothing has been found in Amada that teaches periodically and continuously recording said first video data, said first audio data, said low-rate data ... in sequence onto the disc-shaped recording medium, as recited in claim 1.

Furthermore, this deficiency of Amada is not cured by the teaching of Kawamura.

Therefore, Applicant submits that independent claim 1 is patentable.

For reasons similar to, or somewhat similar to, those described above with regard to independent claim 1, independent claim 3 is also patentable.

IV. DEPENDENT CLAIMS

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Similarly, because Applicant maintains that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken

as acquiescence of the substance of those comments, and Applicant reserves the right to address such comments.

CONCLUSION

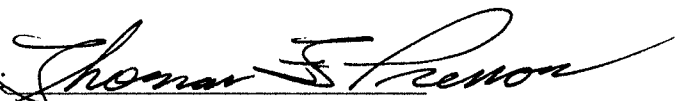
In the event the Examiner disagrees with any of the statements appearing above with respect to the disclosures in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing remarks, it is believed that all of the claims in this application are patentable and Applicant respectfully requests early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicant

By: 
Thomas F. Presson
Reg. No. 41,442
(212) 588-0800